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The Cedarville Herald, September 8, 1911

Cedarville University

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For Excellence Our Job
Work will compare with
that of any other firm.....

The Cedarville Herald.

This item when marked with an in-
dex, denotes that a year's subscrip-
tion is past due and a prompt set-
tlement is earnestly desired.

THIRTY-FOURTH YEAR NO. 37.

CEDARVILLE, OHIO, FRIDAY, SEPTEMBER 8, 1911.

PRICE, \$1.00 A YEAR

HOSPITAL QUESTION IS DISCUSSED.

SHOULD PUBLIC HOSPITALS BE ESTAB-
LISHED FOR TUBERCULOSIS PATIENTS?

The white plague, pulmonary con-
sumption and rheumatism are diseases
akin to each other, each of which now is
known to be and properly is termed
"Tuberculosis."

These diseases render the lives of
multitudes miserable and destroy thou-
sands. To answer this question intelli-
gently we must resort to the microcos-
mic conditions incident thereto, and
having viewed the cause we may be in
position to answer properly. Microcos-
mic examination reveals that both are
germ diseases and caused by bacterial
infection.

The term germ is generic and does
not define anything. In botany we speak
of the ovary or seed bud from which
vegetable fruit springs. As applied to
the human kingdom its nature is yet
undefined. "Bacteria" is a term com-
monly used to include the smallest living
organisms known in the microcosm.

These play a most important part in
vegetable economy, stimulating osmotic
action and aiding vegetable life.

Different disease germs now are ad-
mitted to be at the basis of different dis-
eases. So the term tuberculosis also is
generic.

Myriads of living organisms develop
in a day, then perish, and successive
generations follow. The study, devel-
opment and effect in the soil and vege-
tation is a most interesting inquiry
alongside the phenomena of nutrition.

Noxious and innoxious bacterial or
germ conditions there are known to ex-
ist in both animal and vegetable king-
doms.

When noxious bacterial conditions
obtain in an organ or the body entire
the disease becomes organic, as in tuber-
culosis of the lungs or rheumatic in-
flammatory conditions which pervade
the entire system. But two channels for
noxious bacterial infection exist in a
human system, to-wit:

They may come in by respiration.
They may come in by alimentation.

That is, the air, food or the water we
drink may bring bad germs into the
system.

The most prolific source of tubercu-
losis is swine. They are full of
the tuberculosis germ when they pass
from the forward legs of swine kept
on pasture; other stock eat it, and hence
we have tuberculosis in beef. Eaters of
swine's flesh take it into the system by
eating it. It then passes into the cir-
culation, follows along the muscular lin-
eaments, and coming to the tendon at a
joint it becomes insisted, and produces
inflammation. We call it rheumatism—
tuberculosis is the proper name.

The scriptural command against the
use of swine's flesh for food is signifi-
cant.

Varied systems of therapeutic prac-
tice show there is no settled rule for
guidance either in the pathology of dis-
eases or adaptation of the drug system,
hence merely guesswork. Doctors can-
not cure nor heal a disease. They can
use an opiate to stifle or paralyze the
nerves to render the patient unconscious
of pain while the disease continues.

In the earlier days after the discovery
of the Mammoth Cave in Kentucky con-
sumptives were confined in two large
buildings in "invalid hall," so called,
about two miles from the entrance to
the cavern, under the erroneous suppo-
sition that the denser air of the great
cavern had curative power. The error
of putting invalids beyond the reach of

normal air and sunlight, with proper
exercise, was not discovered until 250
human beings were sacrificed.

It remains a mooted question whether
the white plague is contagious. We be-
lieve it is not so where the affected are
kept in open air with moderate phys-
ical exercise. Better off thus than huddled
together in buildings erected and
maintained at enormous expense.

A second objection is it retires from
the ranks of productive industry to bar-
ren consumption a large class whose in-
dustry, though less productive, is needed
by economic considerations.

The hospital system is a mad rush
into increasing taxation without a
thought as to cure or prevention for the
future as to thousands born or unborn,
to whom not a ray of light or hope is
held out. The two germ diseases named
are a curse upon humanity. Sickness is
a curse for two reasons. It militates
against productive industry by eliminat-
ing the diseased from healthy normal
physical exercise and by entailing un-
dold suffering.

The author of human life did no im-
perfect work in the creation. At the
conclusion he pronounced it "very
good." Disease and sickness being the
fruit of sin, God cannot bless a policy
at variance with his law. Prevention is
what we need. The hospital system
cannot eliminate suffering incurred by
disobedience to God's commands. But
says some one, "Consumption is conta-
gious and its subjects should be removed
to hospitals." To build these houses of
refuge for the millions afflicted with this
and kin diseases is begging the question.
The contagion is not proved. While
mortality among hospital inmates is
greater than the per cent among those
scattered in society, the existing move
to confinement in hospitals is akin to
the Mammoth Cave fad, an egregious,
inexcusable mistake. Akin to this is the
folly of prison labor repeal, by which
mortality and insanity are increased.

God's laws are inexorable. Obedience
is the prerequisite to healing and salva-
tion of body, life, spirit. Disobedience
means disease, sickness, death, the fruit
of sin.

In the great proclamation to earth we
have the solution, where the intimate re-
lation between sin and sickness puts the
two together as inseparable. "He died
for our sins and sickness." He senteth
his word and healed them." Psalm 107:
1-20. I. Thess. 5:23.

The hospital system, like the repeal
of prison labor, is the fad of a delusive
age.

Light, light of life is what we need.
"The light of knowledge and life," is
what we need. Then healing will come.
R. Hoon.

Additional Locals.

Mr. J. O. Stewart made a business
trip to Cincinnati, Tuesday.

Mrs. Ruth Cline of Chicago has been
spending several days with relatives.

Mr. W. J. Smith of Kent was the
guest of relatives here this week.

Mr. J. E. Nisbet of Dayton spent Sab-
bath at home.

Mr. J. C. McMillan of Columbus vis-
ited here Sabbath and Monday.

Mr. Ralph Wolford spent Sabbath
in Columbus.

Mr. Frank Bull of Evansville, Ind.,
is spending part of his vacation with his
parents, Mr. and Mrs. L. G. Bull.

In the matter of Publication of No-
tice in the estate of Gavin Riley Mc-
Millan, Deceased.

Mr. James Gray of Pittsburg spent
Sabbath and Monday with his mother,
Mrs. Belle Gray.

Mr. A. H. Creswell has been ap-
pointed administrator of the estate of
G. R. McMillan.

Mr. Ed. Tomason and wife of Spring-
field were guests of Mrs. Elizabeth Ran-
dall this week.

Notice: Persons having my cake
boards will please return same at once.
MISS JENNIE BRATTON.

Mr. Court Satterfield and family and
mother of Xenia spent Sunday with Mr.
Oscar Satterfield and wife.

Mr. Alex. Dallas and wife of Cincin-
nati were guests the first of the week
of Prof. F. P. Foster and family.

Probate Judge Howard has re-ap-
pointed Prof. F. M. Reynolds for an-
other term as a member of the board
of county examiners.

Dr. M. I. Marsh, assisted by Dr.
George Stewart, removed a chalazion
from the eye of Frances Robinson, four
years of age.

Mr. John O. Stewart was successful
in obtaining a partial scholarship in
voice culture and piano at the recent
examination at the College of Music in
Cincinnati.

The bullet was removed from the
shoulder of Fred Irvin last Saturday
by Drs. Stewart. The young man had
been accidentally shot several days pre-
vious, but at the time of the examina-
tion the bullet could not be located. Sat-
urday it came within about one inch of
the surface and was removed without
any trouble.

ANDREW WON BY THREE.

The primary election Tuesday de-
veloped several close contests, may-
or, members of council, marshal,
and assessor. In the corporation
about the usual Republican vote
was polled, while in the township
the vote was light.

The day passed without any par-
ticular trouble other than one in-
cident connected with the legality of
one voter. A man by the name of
Morgan presented himself for a vote
and was challenged by W. B. Ken-
non, who claimed the fellow was a
non resident and came here only a
few days ago to visit his brother,
Charles Morgan.

While Morgan's answers to ques-
tions put to him by the judges were
not satisfactory, he was given a bal-
lot. His brother, Charles, became
angry at Mr. Kennon for his chal-
lenge and assaulted him. A large
crowd gathered and Mr. Kennon de-
manded of Mayor Andrew that the
assaultant be looked up. After some
hesitation the mayor ordered
Marshal McLean to arrest Morgan.
The fellow was taken into the jail
room and remained about five min-
utes when he was liberated. We
have heard of no action being taken
by the officers at this time.

Investigation is being carried on
as to voter's residence and the evi-
dence shows that the fellow has not
been in the corporation 30 days as
required by law. This has been a
practice of the Andrew-Kidway or-
ganization for years to vote non re-
sidents and the practice will be brok-
en up.

The contest for mayor and marshal
was close throughout the day and
followers of each candidate made a
gallant fight for the honors. We
say it in justice to all that there was
the least evidence of the use of money
or liquor as any election held in
Cedarville in twenty years. One
reason for this no doubt was the fear
of the new law and the part that
Prosecutor Johnson might play. It
had been noised about for several
days that detectives were to be here
and that raiders were probable, but
such was not the case.

The vote proves conclusively
that people have been dissatisfied
with the old administration.
Regardless of the recent endorse-
ment of Mr. Andrew being the best
mayor the village ever had, the vot-
ers repudiated the administration
for the issues between the two candi-
dates was clearly defined, one for a
liberal policy, the other for law en-
forcement.

The following was the vote:
For Mayor

J. H. Andrew 116
L. G. Bull 118

For Marshal

R. W. Kennon 142
H. A. McLean 98

For Treasurer

J. C. Barber 132
J. W. Johnson 140

For Assessor

I. F. Puffer 100
T. N. Tarbox 95

For Council (6 to nominate)

W. P. Anderson 93
C. W. Dean 97
G. H. Irvin 80

B. E. Garland 137
John V. Ross 97
Geo. A. Shroades 112

J. D. Silvey 98
J. O. Stewart 97
C. E. Welmer 96

J. H. Wolford 98

TOWNSHIP CANDIDATES

A. H. Creswell 82
T. W. St. John 60
Jesse C. Townsley 91

For Clerk

Andrew Jackson 60
J. E. Pierce 53

For Treasurer

John R. Cooper 83
For Constable

W. E. Spencer 40
Ernest Truesdale 62

For Assessor

Harry Kennon 78
A. M. Tonkinson 25

Notice:—Will make elder at my
press every day at the same old
price 50c per bbl. David N. Tarbox.

WANTED: Boarders by the week,
day or meal. Call and see
Phone 94. Mrs. C. M. Harris

NOTICE.

Notice is hereby given that the under-
signed has been appointed and duly qual-
ified by the Probate Court of Greene
County, Ohio, as administrator of the
above named estate. All persons in-
debted to said estate must make im-
mediate payment to these having claims will
present them for settlement.
A. H. CRESWELL.

Regular Session Of Council.

Council met in regular session
Monday evening, all members being
present except Policy.

Reports of various committees
read and approved. The monthly
bills amounting to \$270.40 were ap-
proved and ordered paid. The may-
or's receipts amounted to \$1.00.

A resolution was passed discon-
tinuing the services of Marshal Mc-
Lean on Saturday night as ordered
a month ago.

Member Anderson was appointed
a committee to meet with the Board
of Education as to an election for in-
crease in tax rate. The school board
will not have sufficient funds under
the one per cent tax law and will or-
der an election. Council proposes
to join in the election. Both school
board and council have funds for
this year but a shortage is faced for
next year unless the people vote to
increase the levy over on mills or
one per cent.

Member Irvin was appointed on
the fire committee owing to the ab-
sence of J. C. Foley.

A resolution was passed author-
izing the fire committee to repair the
old hand fire engine and place it in
good condition. Same not to cost
more than \$25.

Another resolution was passed
authorizing complaint and gutter
on Main street along the J. H.
McMillan, Caldwell and H. A. Barr
properties. Same must be done
within 30 days.

William Dods Is Renominated.

Mayor William Dods of Xenia
won the nomination for 233 votes
over Mr. H. H. Conklin. The con-
test between the friends of the re-
spective candidates was spirited,
several law and order meetings being
held in support of Mr. Conklin.
There were few contests for any of
the other offices in the city, all ef-
orts being made to elect Mayor
Dods, who carried all the precincts
in the city except two.

Funderburg Is Defeated.

J. H. Funderburg, the "Blue Law
Mayor" of Yellow Springs, who has
been hearing the cases as filed by
Prosecutor Johnson, was terribly de-
feated by Thomas Donnelly. Funder-
burg has always been regarded as
favoring the wet side of the saloon
question but claimed to enforce the
law when cases were brought before
him.

Donnelly had the support of the
liberal element as well as the dry
supporters and won by a vote of 112
to 45. The nominee was marshal
of the village at one time and was ac-
tively enforcing the liquor laws.

Named Bradfute For Delegate.

Governor Harmon on Tuesday
named 25 delegates to represent Ohio
at the National Conservative Con-
gress to be held in Kansas City,
September 25, 26 and 27. Among
them are O. R. Bradfute of this
place and W. M. Hardman of Yel-
low Springs.

For Sale:—One seven foot elegant
elgar case. Plate glass top and dis-
play rack. O. M. Harris, Jr.

Get the Habit

of coming to our store
when you are in need
of medicines but remem-
ber we have many things
besides drugs and chemi-
cals that we can supply
you to advantage, such as
household articles of all
kinds, including
dyes and dye stuffs. We sell,
recommend and guarantee the
celebrated Putnam Fadeless Dye. They
color silk, wool and cotton at one
boiling.

Wisterman's Pharmacy

G. W. LOPER FOUND DEAD.

The body of George W. Loper, a
palmer who lives west of town at
"Bakerville", was killed sometime
Wednesday night while walking the
Pennsylvania railroad track near
the Jasper crossing this side of Xenia.
The body was not found until early
Thursday morning when it was tak-
en to Xenia for identification.

Two railroad tickets, one from
Cedarville to South Charleston and
the other for a trip between Xenia
and Cedarville were found in his
pockets. Vain brushes and a quart
of whiskey purchased in Dayton
were also found.

Examination revealed that the
man's skull was fractured, left foot
crushed and right shoulder broken.
Loper has lived in this vicinity but
a short time and leaves a wife and
four step children. Isaac Loper is a
brother.

Billy Sunday In Springfield.

Great preparation is being made
in Springfield for the advent of the
famous evangelist, Billy Sunday,
who opens his fall campaign in that
city.

It is expected that the "taberna-
cle" will be started in a few days
and it will be completed in time for
the dedicatory exercises on Friday,
September 22. Already district
prayer meetings are being held over
the city each Tuesday and Friday.

The Sunday campaign is expected
to be a strong factor in the coming
fall election in that city and an ef-
fort will be made to defeat Judge
Miller, for mayor, he being the lib-
eral candidate, W. A. Martin is the
dry candidate on the Republican
ticket. The Democrats have held
the city on wet issues and the cam-
paign will be watched with interest
as to the influence Sunday will wield
in breaking Judge Miller's hold on
the people.

M. E. Conference Appointments.

The following are the M. E. Con-
ference appointments by Bishop
Moore for the Springfield District:
District Superintendent, John A.
Story, D. D.
Bowersville, H. O. Collins.
Cedarville, W. B. Pitt.
New Carlisle, W. Patton.
New Jasper, W. G. Ripley.
Osborn, J. M. Bennett.
South Charleston, J. W. Gaddis.
Xenia, First, O. W. Sullivan, Trin-
ity, O. P. Hoffman.
Yellow Springs, Wm. M. Patton.

College Opens Next Wednesday.

The 18th year of Cedarville College
will begin Wednesday morning,
Sept. 13, at 9:30 o'clock.
The exercises are as follow:
Devotions conducted by
President McKinney.

Music—Selected

Mrs. Jessie Russell
Address—Rev. Joseph Kyle, D.
D., L. D.,

Xenia Theological Seminary.
Music—Selected—Mrs. Pettit,
Cincinnati College of Music.
Address of Welcome—
Dr. McKinney.

Announcements and Registration.
All are cordially invited.

First Week Of School.

The public schools, both village
and township opened Monday under
the most favorable circumstances,
the attendance for each is about the
same as last year, there being but
three less in the village. Both teach-
ers and pupils have entered upon
the work with an interest that
should result in a good year.

Prof. Reynolds reports the follow-
ing enrollment for the village on
Sept. 8th:

High School Dept. 71
Grammar " 81
Intermediate " 30
Primary " 53

Total 241

For Sale:—One three piece bed-
room set good condition \$5.00, one
not set \$40.00 good as new for \$15.00
four Parlor chairs \$5.00. Call soon.
West's Book Store Xenia Ohio.

WAYS WE CAN SERVE YOU.

We buy and sell first mortgages.
We buy and sell non-taxable bonds.
We rent safe deposit boxes at \$1 and \$1.50 per year
according to size. Just the thing to protect your val-
uable papers.
We will store valuable papers in our vault, but not
in private boxes, for customers, without charge.
We sell Bank Drafts and Bankers Money Orders.
Can we not serve YOU in one or more of these vari-
ous banking facilities?

DIRECTORS
S. W. SMITH, Pres. GEO. W. RIFE, 1st V. Pres.
O. L. SMITH, Cashier. OLIVER GARLOUGH,
L. F. TINDALL, Asst. Cashier. 2d V. Pres.

THE EXCHANGE BANK, CEDARVILLE, OHIO.

Millinery Opening

We request the pleasure of your presence at an exhi-
bition of exclusive

Autumn and Winter Millinery.

Which has been pleased for the week of

Thursday, September 14
Friday, September 15
Saturday, September 16

Special attention is called to our Juvenile
Department which is replete with all the
requirements for dress and school wear.

SINZ

Steele Bldg., West Main St., Xenia, O.

W. L. CLEMANS ..Real Estate Agent..

Ohio, Texas and Canada Farms.

EXCURSION TO CANADA OR TEXAS

First and Third Tuesday of Each Month.

I Always Have a List of Good Farms for Sale.

CHURCH SERVICES.

R. P. Church (Main St.)—Teach-
ers' meeting Saturday at 7 p. m.

Teachers Meeting Saturday at 7
p. m.

Bible School Sabbath morning at
9:30.

Preaching at 10:30 a. m. by the Rev.
J. H. Kendall, D. D., of Tazewell,
Pa.

Christian Endeavor meets at 8 p.
m., subject, My Denomination;
Roots, Trunk, Branches, Fruit. Acts
10:17-18.

Preaching again at 7 p. m. by the
pastor.

The next Wednesday-evening pray-
er meeting will be held in behalf of
Cedarville College; let every one in-
terested in the college, and not duty-
bound to be elsewhere at 7 p. m. next
Wednesday, come to the Sab-
bath School room of the R. P. church
and unite with us in earnest prayers
for this Christian Institution which
opens its next year's work on that
day.

WANTED—Good Housekeeping
Magazine requires the services of a
representative in Cedarville to look
after subscription renewals and to
extend circulation by special method
which have proved unusually suc-
cessful. Salary and commission
but not essential. Whole time or
spare time. Address, with references
J. F. Fairbanks, Good Housekeeping
Magazine, 681 Fourth Ave., New
York City.



Our Sympathy

Is always extended to those in
distress, but we have no sym-
pathy to waste on the man
who borrows his neighbor's
paper when he can have one
of his own at a mere nominal
expense. Your home paper
stands for your interests and
the interests of your home
town. It deserves your moral
and financial support. If you
are not a member of our
family of readers you should
begin now by sending in your
subscription.

Millinery Opening

Thursday, September 14

Friday, September 15

Saturday, September 16

An interesting showing of the newest dress and semi-dress hat.

These are characterized by all the exclusiveness of other originals, most of which were inspired by the headress of the earlier period.

Inspection Invited

OSTERLY MILLINERY

37 Greene St.

Xenia, Ohio.

Public Sale!

On account of sickness and going to leave here, I will sell on the Z. T. Phillips place

Saturday, Sept. 9, 1911,

at 1:30 p. m. the following:

Stoves, Bedroom Suits, Tables, Pictures, 2 Barrels of Cider Vinegar, Plows, Harness, Chickens, Water melon and musk Melon Patch, Rent of premises until Feb. 15, '12, Corn in Shock, Fine Winter Apples from 40 trees.

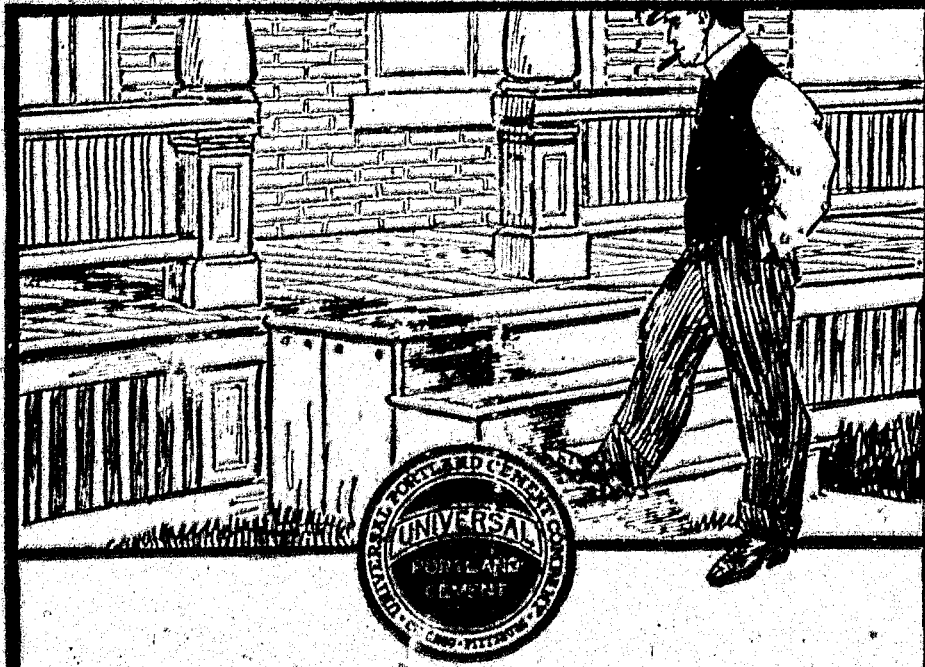
Terms: All sums under \$5, cash; over this amount 6 months credit, secured.

H. ALLEN.

S. T. Baker, Auct.

L. G. Bull, Clerk.

This month's Butterick Patterns are 10c and 15c—none higher.



Build Your Front Steps of Concrete

You can easily do it yourself. Buy a few sacks of Portland Cement and mix with clean sand. Fill the board forms with this mixture and let them stand until the concrete is dry. Any wide-awake boy can do this. And the result is a handsome, light of steps that can be built of wood—better than stone—and everlasting. They will never need repainting nor painting.

We Will Gladly Show You How to mix the concrete. You can not go wrong if you use Universal Portland Cement and clean sand in the proper proportions. The cost is a mere trifle.

UNIVERSAL PORTLAND CEMENT

FOR SALE BY

The Tarbox Lumber Co.

SHE READ THE CARDS.

And Told Joachim Murat, King of Naples, How He Would Die.

Fortune telling by means of cards (cartomancy) was extensively practiced in France during the period of the first consulship. Notable among the professional practitioners was one Mlle. Lenormand, whose most eminent client was Napoleon Bonaparte.

The Empress Josephine and Joachim Murat when king of Naples frequently consulted with the sibyl, and Bernadotte, the king of Sweden, it is recorded, once visited her and listened to a card reading which thoroughly startled him. When Bonaparte's nephew became emperor of the French cartomancy was being practiced in exalted circles, for, from stories and comment of his confidants, it is known that Napoleon III. had as great a belief in such matters as his illustrious uncle.

Joachim Murat, king of Naples, once sought Mlle. Lenormand to gain information regarding his future. The cards were produced and Joachim was asked to cut them. The king of diamonds appeared, and the sibyl, after much pondering, conveyed to the monarch the pleasing information that he would be hanged. Somewhat skeptical, Joachim laid 10 napoleons on the table and begged for another trial. Again he cut the king of diamonds. Determined to prove the cards false, he deposited 50 napoleons on the table and divided the deck. With pitiless iteration the king of diamonds again appeared. The propheticess told him that if he did not die on the gall, she would be brought to his end by a musket shot.

Murat met his fate by military execution in Calabria in 1816.

Bernadotte was introduced to the cartomancer by one of his aids, who presented the officer who later became king of Sweden as a merchant anxious to know the outcome of certain commercial speculations. The time was 1804, before the beginning of Napoleon's series of greater successes. Mlle. Lenormand not only identified Bernadotte by means of her cards, but predicted the rise of Bonaparte and her visitor's association with the Corsican, meanwhile advising him as to his future conduct. Bernadotte is said to have been so impressed that he heeded all the sibyl's warnings and when, as she prophesied, he became king of Sweden his faith in her powers and in those of her card pack was unshakable.—New York Mail.

The Wolf Spider.

The female of the curiously named wolf spider lays its eggs and immediately covers them with a soft silken covering. No matter where she goes she will carry these covered eggs about with her, and she will, if necessary, sacrifice her life to protect the eggs or the young, which, soon after they are hatched, she carries on her back while she gathers food for herself and the little ones. They remain holding to their mother's back until they are almost as large as their parent, when they seem suddenly to discover their strength and, unnatural as it would seem, they set upon their mother and in a very short time kill and devour her.—Harper's Weekly.

Bismarck's Regrets.

Shortly after 1870 Bismarck was complaining that life had brought him no happiness or love. "But," said a friend, "you have made a great nation happy." "Yes," replied the prince, "but many people unhappy. But for me three great wars would not have been waged, 80,000 men would not have perished, and parents, brothers, sisters, widows, would not now be mourning. That I have to settle with God. But I have had little or no pleasure from what I have done—on the contrary, much vexation and anxiety and toil."

The Sort of Job He Wanted.

"There's what I'm looking for," said the lazy man going through the want advertisements for an easy job as his eye lighted on a call for tanners to sell something that "would sell itself."

"That's the sort of a job I want," he said to himself, "something that I can earn money at without work." And he thought that really some day he must go down and look 'em up.—New York Sun.

To Preserve Coal.

Coal left out of doors, exposed to the weather for, say, a month, loses one-third of its heating quality. If a ton of coal is placed on the ground, and left there and another ton is placed under a shed the latter loses 25 per cent of its heating power, the former about 47 per cent. Hence it is a great saving of coal to have it in a dry place, well protected on all sides from the weather.

With the rapid growth of our state came a corresponding development of agriculture. The diversification of our industries had its inception early, but it became conspicuously prominent subsequent to 1850.

The people early realized the need of better facilities for transportation. Roads were to be hewn out of the forest; navigable streams were to be improved and widened, and following the example of New York, under the guidance of DeWitt Clinton, our state

CONSTITUTIONAL CONVENTIONS

THE BILL OF RIGHTS AND THE SCHEDULE

BY PROF. C. B. GALBREATH,
FORMER OHIO STATE LIBRARIAN

In 1800 the population of the Northwest Territory, including the present states of Ohio, Indiana, Illinois, Michigan, Wisconsin and a portion of Minnesota, was only 45,000. The census of 1810 showed for Ohio alone a population of 230,760, a remarkable increase of more than 500 per cent over that of the entire territory ten years before. The following decades continued to show a marked and substantial growth. The population in 1820 was 531,205; in 1830, 927,903; in 1840, 1,519,497; in 1850, 1,980,229.

Two influences contributed to the rapid settling up of the state:

1. Its natural resources.

2. Its free institutions.

With a climate of extremes in temperature and humidity, with a generous rainfall, equitably distributed through the year, experience has shown that this region is well adapted to the vegetable and animal life of the temperate zone, the favorite abode of man in a civilized state. In almost every portion of the state springs gush from the earth and unite their waters in streams that flow into our rivers and lakes. The land is generally fertile, in some portions remarkably so. Here may be produced in abundance cereals, grasses and fruits. For reindeer, deer, may be gathered from the fields and wool shorn from the flocks. Conditions are favorable to the raising of live stock and the hills abound in mineral wealth. The varied and abundant resources invite to many departments of human endeavor. A farmer in central Ohio gathering once said, "about this county out from all the rest of the world, and man could labor and live here in the full enjoyment of civilized life." The element of truth in this statement has invited to that diversification of industry and enterprise so necessary to a growing and prosperous state.

The migration to the Northwest was greatly accelerated by the attractive force of free institutions—the charters of civil and religious liberty, the ordinance of 1787 and the first constitution of Ohio. It is scarcely necessary to quote from the former the famous provisions: "There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes whereof the party shall have been duly convicted."

The motives that led to the unanimous adoption of this provision by the Continental Congress have been the subject of much speculation. Why did the members from the slave holding states vote for it? It is claimed that their action was not wholly disinterested—that they feared commercial competition with the Northwest and thought that by depriving the territory of slave labor they might secure an advantage over those who should migrate to this region. With slave labor, Virginia and Kentucky could deliver farm products in the markets at less expense than could prospective competitors across the river. If this was the logic of the southern leaders, it was reversed by the logic of history.

The beacon light of liberty that the founders raised in the wilderness called over the mountains and across the river a people alien neither in race nor in spirit to our institutions. Among them were the demure and peaceful Quakers from North Carolina and Pennsylvania; the sturdy Puritans from New England and the ambitious and politically dominant pioneers from Virginia. In the ranks of these adventurous and enterprising spirits were those who had shown their devotion to the infant republic on the fields of the Revolution. When Lafayette on his tour through our country visited our state in 1825, he portrayed, in his brief, impromptu speech at Cincinnati, the fact and the cause of our rapid development as a state:

"The highest reward that can be bestowed on a Revolutionary veteran is to welcome him to a sight of the blessings which have flowed from our struggle for independence, freedom and equal rights. Where can these enjoyments be more complete than in the state of Ohio, where even among the prodigies of American progress we are so fortunate to admire the rapid and wonderful results of free institutions, free spirit and free industry."

Free institutions, free spirit and free industry—these attracted Puritan and Quaker and Cavalier, and fused them on the altar of freedom.

The influences here set forth were not the only ones that were active in the building up of our state. They were the most important, however. The others were collateral and contributory.

With the rapid growth of our state came a corresponding development of agriculture. The diversification of our industries had its inception early, but it became conspicuously prominent subsequent to 1850.

The people early realized the need of better facilities for transportation. Roads were to be hewn out of the forest; navigable streams were to be improved and widened, and following the example of New York, under the guidance of DeWitt Clinton, our state

immigrated, a system of canals to connect Lake Erie and the Ohio river. A way must be provided to transport the surplus products of the farm. This the state undertook to do. The first constitution, while it did not contemplate this assumption of power, offered no bar to the system of internal improvements that was gradually developed under the fostering care of paternal legislation. Turnpikes, reservoirs and canals were constructed. While they materially accelerated the development or the resources of the state, they brought with their advantages the burden of debt to the shoulders of the people. An enterprise so vast could not be undertaken in that day by private capital, and the state was ill prepared to complete and administer with credit to itself, the work that it essayed with vigor and enthusiasm to accomplish.

Before proceeding any further, it may be out of place to define two terms occasionally used in the presentation of the general subject under discussion:

Bill of Rights. This, as here used, is a series of declarations, in a constitution, of the general and fundamental rights reserved to the people. They include, of course, the natural and inalienable rights of "life, liberty, and pursuit of happiness," more specifically stated. As an illustration, Section 7, of the Bill of Rights of our present constitution, which is almost identical with Section 3, of the corresponding article of our first constitution, is here presented:

"All men have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences. No person shall be compelled to attend, erect, or support any place of worship, or maintain any form of worship, against his consent, and no preference shall be given by law to any religious society, nor shall any interference with the rights of conscience be permitted. No religious test shall be required as a qualification for office nor shall any person be incompetent to be a witness on account of his religious belief, but nothing herein shall be construed to dispense with oaths or affirmations. Religion, morality, knowledge, however, being essential to good government, it shall be the duty of the General Assembly to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of worship and to encourage schools and the means of instruction."

While the Bill of Rights, in our first and second constitutions include respectively twenty-eight and twenty sections, each covers essentially the same ground and the concluding section of the second, like that of the first, declares:

"This enumeration of rights shall not be construed to impair or deny others retained by the people and all powers not herein delegated, remain with the people."

Schedule. The purpose of the schedule, as set forth in the proceedings of the first constitutional convention, is "to carry into complete operation the constitution and government." A new constitution brings forth changes. It supercedes a previously existing constitution or instrument of government. It is important that the change be attended with as little friction as possible. To provide for this, a schedule of several sections is generally necessary, specifying when and how the constitution shall be submitted to a vote of the people, and when and how, if adopted, its provisions shall go into effect.

Jefferson has already been quoted in favor of providing frequent opportunity for amending or revising state constitutions. It is apparent that the need of change is dependent in no small measure upon the character of the constitution. One may be made so brief and general in its provisions that it will serve for a long time or possibly for all time. The preamble of our National Constitution could not be much improved. Perhaps it would not be changed at all if our ablest statesmen were to rewrite that constitution today. The bill of rights in our first constitution, in substance, if not in form, will doubtless, in the future as in the past, be a part of any constitution that the people of Ohio may adopt.

The constitution of 1802 contained provisions less flexible than those in its bill of rights, and it was doubtless these that Jefferson had in mind when he criticized that instrument as on the whole too detailed and specific.

The article which for this and other reasons was first proven inadequate and ill adapted to the changing conditions of our rapidly expanding population, was the one relating to the judiciary. Its chief defect grew out of the fact that it made the whole judicial system subject absolutely to the legislature.

This in part grew out of the belief, generally prevailing in our country at the beginning of the last century, that the people were not to be trusted with the direct election of their officials, that this power was to be delegated to a more select body chosen by them.—In the new state of Ohio, to the legislature. The result was that the judicial department, which should be the most independent of all, was made the joint creature of the law making body.

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